

MP

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

21-MC-54

In re:

ALANA Y. FULLER  
f/k/a Alana Y. Rainey

Debtor

Chapter 7  
Case no. 15-10811B

MARK J. SCHLANT, AS TRUSTEE OF  
ALANA Y. FULLER  
1600 Main Place Tower  
350 Main Street  
Buffalo, New York 14202

Plaintiff

vs.

A.P. No. 17-01016B

LARRY D. ATCHERSON  
106 Strauss Avenue  
Buffalo, New York 14212

NEW YORK STATE AFFORDABLE HOUSING CORP.  
and  
BROADWAY FILLMORE NEIGHBORHOOD  
HOUSING SERVICES, INC.

Defendants

### ORDER AND JUDGMENT

**UPON** the Notice of Motion for Judgment By Default Against Defendant Larry D. Atcherson and to Dismiss Case as to Defendants New York State Affordable Housing Corp. and Broadway Fillmore Neighborhood Housing Services, Inc., and the Motion for Judgment By Default Against Defendant Larry D. Atcherson and to Dismiss Case as to Defendants New York State Affordable Housing Corp. and Broadway Fillmore Neighborhood Housing Services, Inc., both dated September 27, 2018; and hearing the plaintiff by his attorneys, Zdarsky, Sawicki &

Agostinelli LLP, Mark J. Schlant of Counsel, on October 15, 2018; and there being no other submission in opposition or otherwise, and the Court having duly deliberated and found good cause to exist for the relief requested by the Plaintiff, it is hereby

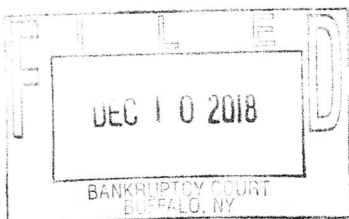
**ORDERED** that this adversary proceeding be and hereby is dismissed as to Defendants New York State Affordable Housing Corp. and Broadway Fillmore Neighborhood Housing Services, Inc.; and it is further

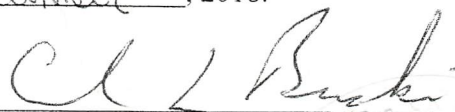
**ORDERED** that the Defendant Larry D. Atcherson be and hereby is held to be in default in this adversary proceeding by virtue of its failure to answer or otherwise move with respect to the Complaint herein before its deadline to do so, and therefore that the Plaintiff be and hereby is held to be entitled to a judgment by default; and it is further

**ORDERED, ADJUDGED AND DECREED** pursuant to Rule 55 of the Federal Rules of Civil Procedure and Rule 7055 of the Federal Rules of Bankruptcy Procedure that judgment be and hereby is granted in favor of the Plaintiff and against Defendant Larry D. Atcherson pursuant to 11 U.S.C. §548 in the amount of \$15,000.00; and it is further

**ORDERED, ADJUDGED AND DECREED** that judgment be and hereby is granted in favor of the plaintiff against the defendant in the sum of \$15,000.00, together with interest on said sum from April 18, 2017 through October 15, 2018, in the sum of \$596.20 (at the rate of 2.66%), and the costs and disbursements of this action in the sum of \$350.00, for a total judgment of \$15,946.20.

**SO ORDERED**, this 10 day of December, 2018.



  
United States Bankruptcy Judge

**CERTIFIED COPY**  
ATTEST: A TRUE COPY  
LISA BERTINO BEASER  
CLERK OF COURT

By   
Deputy Clerk

Original Filed December 10, 2018